

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VINCENTE URAIN SOLOMON,) No. C 11-2827 LHK (PR)
Plaintiff,)
v.) ORDER DIRECTING
CDW G. LEWIS, et al.,) PLAINTIFF TO PROVIDE
Defendants.) COURT WITH MORE
) INFORMATION FOR
) UNSERVED DEFENDANTS

On January 13, 2012, Plaintiff, a California inmate at the Salinas Valley State Prison (“SVSP”) in Soledad, filed a second amended complaint pursuant to 42 U.S.C. § 1983 against SVSP officials. (Docket No. 14.) On April 9, 2012, the Court ordered service of Plaintiff’s complaint upon the named Defendants. (Docket No. 15.)

The summonses for Defendants CC2 T. Miner, C/O Sgt. Bonville, CDW G. Lewis, Sgt. P. Murphy, C/O Blakemanship, Sgt. Moyers, C/O Hollingworth, CDW J. Negrete, Capt. M. Bryant, CSR J. Short, C/O Dornan, C/O J. Cable, C/O B. Long, C/O K. Cannon, C/O Citch, and C/O Syner that were all sent to SVSP, where Plaintiff indicated they were located, were returned unexecuted on May 2, 2012, with the following remark: “Individual does not work there.” (Docket Nos. 17-32.) Accordingly, the above named Defendants have not been served.

Although a plaintiff who is incarcerated and proceeding *in forma pauperis* may

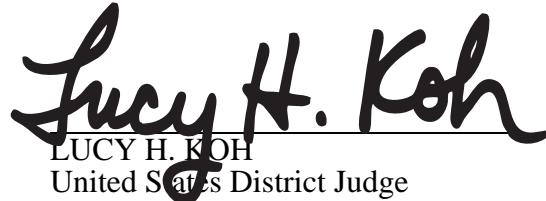
1 rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to
 2 effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon
 3 the appropriate defendant and attempt to remedy any apparent defects of which [he] has
 4 knowledge.” *Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987). Absent a showing
 5 of “good cause,” a complaint pending for over 120 days is subject to dismissal without
 6 prejudice. *See* Fed. R. Civ. P. 4(m).

7 Plaintiff has not provided sufficient information to allow the Marshal to locate and
 8 serve Defendants CC2 T. Miner, C/O Sgt. Bonville, CDW G. Lewis, Sgt. P. Murphy, C/O
 9 Blakemanship, Sgt. Moyers, C/O Hollingworth, CDW J. Negrete, Capt. M. Bryant, CSR
 10 J. Short, C/O Dornan, C/O J. Cable, C/O B. Long, C/O K. Cannon, C/O Citch, and C/O
 11 Syner. Consequently, Plaintiff must remedy the situation or face dismissal of his claims
 12 against these Defendants without prejudice. *See Walker v. Sumner*, 14 F.3d 1415, 1421-
 13 22 (9th Cir. 1994) (holding prisoner failed to show cause why prison official should not
 14 be dismissed under Rule 4(m) where prisoner failed to show he had provided Marshal
 15 with sufficient information to effectuate service).

16 Accordingly, within 30 days of the filing date of this order, Plaintiff must provide
 17 the Court with sufficient information to locate Defendants such that the Marshal is able to
 18 effect service. **If Plaintiff fails to comply with this order, Plaintiff’s claims against
 19 CC2 T. Miner, C/O Sgt. Bonville, CDW G. Lewis, Sgt. P. Murphy, C/O
 20 Blakemanship, Sgt. Moyers, C/O Hollingworth, CDW J. Negrete, Capt. M. Bryant,
 21 CSR J. Short, C/O Dornan, C/O J. Cable, C/O B. Long, C/O K. Cannon, C/O Citch,
 22 and C/O Syner will be dismissed without prejudice pursuant to Rule 4(m) of the
 23 Federal Rules of Civil Procedure.**

24 IT IS SO ORDERED.

25 DATED: 5/18/12



LUCY H. KOH
United States District Judge